

### REMARKS

Claims 6-8 have been added. Claims 1-8 are pending.

Applicant thanks the Examiner for recognizing that claim 2 includes allowable subject matter.

The other claims were rejected as follows:

(1) Claims 1, 3 and 5 were rejected as anticipated by U.S. Patent No. 6,193,398 (Okuchi et al.).

(2) Claims 1 and 4 were rejected as anticipated by U.S. Patent No. 6,389,344 (Nishimura et al.).

As discussed below, applicant respectfully requests reconsideration.

Independent claim 1 recites to controlling the optical axis of a vehicle headlamp based on information from (1) a height detection sensor and (2) an auxiliary detection means which responds to the variation of the vehicle's load. If the auxiliary detection means is in an "abnormal" condition, the direction of the optical axis is controlled in particular way.

The Okuchi et al. patent discloses a system for automatically adjusting the optical axis direction of a vehicle headlamp. The second embodiment (described at col. 9, line 55 – col. 12, line 9) discloses calculating a pitch angle based on the vehicle height in accordance with the vehicle's load conditions, and then adjusting the optical axis direction based on the pitch angle (see col. 11, lines 10-19). However, there is no discussion in that embodiment of any abnormal conditions.

The Office action refers to the disclosure at columns 16-18 of the Okuchi et al. patent as allegedly disclosing the claimed feature relating to occurrence of an abnormal condition. That section of the Okuchi et al. patent relates to a different (fourth) embodiment. Although the fourth embodiment does mention various abnormal conditions and errors (*see, e.g.*, col. 17, lines 19-20; lines 39-41; col. 17, line 62 – col. 18, line 5), those abnormal conditions do not relate to

an abnormal condition in a sensor for determining the vehicle's load. Indeed, the fourth embodiment does not even appear to involve determining the vehicle's load condition.

There is no basis for combining the different embodiments to obtain the subject matter of the pending claims.

At least for the foregoing reasons, claims applicant respectfully request withdrawal of the rejection of claims 1, 3 and 5 as anticipated by the Okuchi et al. patent.

The Nishimura et al. patent discloses an automatic headlight aiming device. A target optical axis adjusting angle is obtained for a pitch angle computed based on a vehicle height sensor and a seating sensor (col. 4, lines 43-57). The seat sensor indicates a load condition of the vehicle.

To avoid unnecessary and undesirable adjustments to the optical axis direction of the headlamp, the Nishimura et al. patent explains that changes in the output signal from the seating sensor are ignored during vehicle driving (col. 5, lines 36-50). The Office action alleges that such a feature corresponds to controlling the optical axis in the event "the auxiliary detection means is in an abnormal condition" as recited in pending claim 1.

That is incorrect. The situation described by the Nishimura et al. patent is not "abnormal" (*e.g.*, such a situation does not indicate a malfunction in the seat sensor). Instead, the output signals from the seat sensor during such situations are ignored because in order to avoid frequent, and possibly unstable, changes to the headlamp optical axis direction (col. 5, lines 36-44). There is no indication, however, that the seat sensor is in an abnormal condition.

At least for those reasons, claims 1 and 4 are not anticipated by the Nishimura et al. patent.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or

Applicant : Atsushi Toda et al.  
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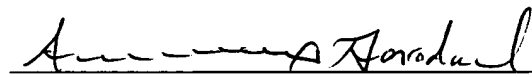
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other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/6/05

  
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